

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

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In re FEDEX GROUND PACKAGE)	Cause No. 3:05-MD-527-RM
SYSTEM, INC., EMPLOYMENT)	(MDL 1700)
PRACTICES LITIGATION)	
)	
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THIS DOCUMENT RELATES TO:)	
)	
<i>Carlene Craig, et al. v. FedEx Ground</i>)	
<i>Package System, Inc.,</i>)	
Civil No. 3:05-cv-00531-RLM-CAN (KS))	
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DOCKETING STATEMENT (Circuit Rule 3)

Notice is hereby given that Plaintiffs Carlene M. Craig, Leo Rittenhouse, Jeff Bramlage, Lawrence Liable, Kent Whistler, Mike Moore, Keith Berry, Mathew Cook, Heidi Law, Sylvia O'Brien, Neal Bergkamp, Neal Bergkamp, Ronald Perry, and Alan Pacheco, on behalf of themselves and the class they represent, provide the following docketing statement with respect to their appeal:

Jurisdictional Statement: Federal jurisdiction over the Plaintiffs' Fourth Amended Complaint, filed on December 1, 2006, in the District Court was based on diversity jurisdiction under 28 U.S.C. §1332 (Named Plaintiffs are residents of Kansas, Wisconsin and Massachusetts and Defendant FedEx Ground is a Delaware corporation with its principal place of business in Pennsylvania while the Defendant benefit plans have their principal places of business in Pennsylvania and Tennessee), federal question jurisdiction under 28 U.S.C. §1331 (claims under ERISA, 29 U.S.C. §1132 and Declaratory Judgment Act, 28 U.S.C. §2201) and supplemental

jurisdiction over Kansas Wage Payment Act and Kansas common law claims under 28 U.S. C. §1367(a). FedEx Ground Package System, Inc. is a Delaware corporation with its principal place of business in Pittsburgh, Pennsylvania.

Appellate Jurisdiction: Plaintiffs file their Notice of Appeal simultaneously herein, and appeal from the Court's Opinion and Order granting summary judgment to Defendant, entered in this action on August 11, 2010, as well as the court's prior orders dismissing or denying relief sought by Plaintiffs. Because the August 11, 2010 Order finally adjudicates all of the remaining claims in the case with respect to all of the parties, Plaintiffs submit it is an appealable final order, entitling Plaintiffs to file a notice of appeal as to the case as a whole.

Related Case: *In Re: FedEx Ground Package System, Incorporated, Employment Practices Litigation*, No. 07-8034.

Dated: September 9, 2010

Respectfully Submitted,
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